

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re, DOMINIQUE LUNDY, Debtor, TOYOTA MOTOR CREDIT CORPORATION, Movant, v. DOMINIQUE LUNDY and SCOTT F. WATERMAN, Trustee, Respondents.	Bankruptcy No. 23-12839-amc Chapter 13
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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

AND NOW COMES, Movant, Toyota Motor Credit Corporation (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Objection to Confirmation of Chapter 13 Plan (the “Objection”) filed September 20, 2023, stating as follows:

1. Respondent, Dominique Lundy (the “Debtor”) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on September 20, 2023 (the “Petition Date”).

2. Scott F. Waterman is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

3. On or about August 18, 2018, Debtor entered into a Retail Installment Sales Contract (“Note”) with the Movant for the purchase of the 2010 Lexus RX450H, VIN: JTJBC1BA2A2004565 (the “Vehicle”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

4. Movant has a secured interest in the 2010 Lexus RX450H, VIN: JTJBC1BA2A2004565, as evidenced by the Certificate of Title attached hereto as Exhibit B.

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6. The Note requires monthly payments of \$633.74 at an annual interest rate of 16.14%.

7. The payoff on the Note as of September 20, 2023, was \$14,762.08. The total pre-petition arrears due at the Petition Date was \$6,688.82. These amounts are reflected in the Proof of Claim that was filed by Movant on November 7, 2023, see claim 6-1.

8. Debtor's Chapter 13 Plan filed November 5, 2023, proposes to pay Movant \$9,073.20 at 10.00% towards the pre-petition arrears.

9. The Debtor's Chapter 13 Plan fails to cure Movant's pre-petition arrears and therefore fails to comply with 11 U.S.C. § 1322.

10. The Movant's Proof of Claim should govern.

WHEREFORE, Movant, Toyota Motor Credit Corporation, respectfully requests that this Honorable Court deny confirmation of Debtor's Chapter 13 Plan.

Dated: December 22, 2023

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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